

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

BRADLEY S. PETERS,

CIVIL No. 04-4828 DSD/AJB

PLAINTIFF,

V.

ORDER

JO ANNE B. BARNHART, COMMISSIONER
OF SOCIAL SECURITY,

DEFENDANT.

PAUL A. LIVGARD, ESQ., FROM LIVGARD & RABUSE, P.L.L.P., FOR THE PLAINTIFF, BRADLEY S. PETERS

LONNIE F. BRYAN, ESQ., ASSISTANT UNITED STATES ATTORNEY FOR THE COMMISSIONER

Based upon the Report and Recommendation by United States Magistrate Judge Arthur J. Boylan dated September 12, 2005, with all the files and records, and no objections having been filed to said Recommendation,

IT IS HEREBY ORDERED that:

1. Bradley S. Peter's Motion for Summary Judgment [Docket No. 9] is **denied**; and
2. The Commissioner's Motion for Summary Judgment [Docket No. 12] is **granted**.

Dated: September 28, 2005

s/David S. Doty
David S. Doty
Judge for the United States District Court